



General Assembly

***Amendment***

***February Session, 2006***

**LCO No. 3813**

**\*SB0010503813SD0\***

Offered by:

SEN. MCDONALD, 27<sup>th</sup> Dist.

SEN. STILLMAN, 20<sup>th</sup> Dist.

To: Subst. Senate Bill No. **105**

File No. 372

Cal. No. 271

***"AN ACT PROHIBITING THE SALE OF ELECTRONIC DEFENSE WEAPONS."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2006*) (a) Whenever a person  
4 who possesses a firearm, as defined in section 53a-3 of the general  
5 statutes, does not have actual physical possession of such firearm, such  
6 person shall store or keep such firearm in such a manner as to ensure  
7 that there is not a substantial and unjustifiable risk that such firearm  
8 will be stolen or otherwise come into the possession of another person  
9 without authorization. Such risk must be of such nature and degree  
10 that the failure to perceive it constitutes a gross deviation from the  
11 standard of care that a reasonable person would observe in the  
12 situation.

13 (b) Any person who violates subsection (a) of this section and such  
14 firearm is seized or recovered by a law enforcement agency while not

15 in the possession of such person shall be guilty of a class A  
16 misdemeanor.

17 Sec. 502. (NEW) (*Effective October 1, 2006*) (a) Any person who  
18 possesses a firearm, as defined in section 53a-3 of the general statutes,  
19 that is stolen from such person or that such person loses shall report  
20 such theft or loss to the organized local police department for the town  
21 in which the theft or loss occurred or, if such town does not have an  
22 organized local police department, to the state police troop having  
23 jurisdiction for such town, not later than seventy-two hours after such  
24 person knew or should have known of such theft or loss. Such  
25 department or troop shall forthwith forward a copy of such report to  
26 the Commissioner of Public Safety.

27 (b) Any person who fails to make a report required by subsection (a)  
28 of this section within the prescribed time period shall be fined not  
29 more than five hundred dollars, except that, if such person  
30 intentionally fails to make such report within the prescribed time  
31 period, such person shall be guilty of a class A misdemeanor for the  
32 first offense and a class D felony for any subsequent offense.

33 Sec. 503. Section 29-33 of the general statutes is repealed and the  
34 following is substituted in lieu thereof (*Effective October 1, 2006*):

35 (a) No person, firm or corporation shall sell, deliver or otherwise  
36 transfer any pistol or revolver to any person who is prohibited from  
37 possessing a pistol or revolver as provided in section 53a-217c, as  
38 amended.

39 (b) On and after October 1, 1995, no person may purchase or receive  
40 any pistol or revolver unless such person holds a valid permit to carry  
41 a pistol or revolver issued pursuant to subsection (b) of section 29-28,  
42 as amended, a valid permit to sell at retail a pistol or revolver issued  
43 pursuant to subsection (a) of section 29-28, as amended, or a valid  
44 eligibility certificate for a pistol or revolver issued pursuant to section  
45 29-36f, as amended, or is a federal marshal, parole officer or peace  
46 officer.

47 (c) No person, firm or corporation shall sell, deliver or otherwise  
48 transfer any pistol or revolver except upon written application on a  
49 form prescribed and furnished by the Commissioner of Public Safety.  
50 Such person, firm or corporation shall insure that all questions on the  
51 application are answered properly prior to releasing the pistol or  
52 revolver and shall retain the application, which shall be attached to the  
53 federal sale or transfer document, for at least twenty years or until  
54 such vendor goes out of business. Such application shall be available  
55 for inspection during normal business hours by law enforcement  
56 officials. No sale, delivery or other transfer of any pistol or revolver  
57 shall be made unless the person making the purchase or to whom the  
58 same is delivered or transferred is personally known to the person  
59 selling such pistol or revolver or making delivery or transfer thereof or  
60 provides evidence of his identity in the form of a motor vehicle  
61 operator's license, identity card issued pursuant to section 1-1h, as  
62 amended, or valid passport. No sale, delivery or other transfer of any  
63 pistol or revolver shall be made until the person, firm or corporation  
64 making such transfer obtains an authorization number from the  
65 Commissioner of Public Safety. Said commissioner shall perform the  
66 national instant criminal background check and make a reasonable  
67 effort to determine whether there is any reason that would prohibit  
68 such applicant from possessing a pistol or revolver as provided in  
69 section 53a-217c, as amended. If the commissioner determines the  
70 existence of such a reason, the commissioner shall deny the sale and no  
71 pistol or revolver shall be sold, delivered or otherwise transferred by  
72 such person, firm or corporation to such applicant.

73 (d) No person, firm or corporation shall sell, deliver or otherwise  
74 transfer any pistol or revolver, other than at wholesale, unless such  
75 pistol or revolver is equipped with a reusable trigger lock, gun lock or  
76 gun locking device appropriate for such pistol or revolver, which lock  
77 or device shall be constructed of material sufficiently strong to prevent  
78 it from being easily disabled and have a locking mechanism accessible  
79 by key or by electronic or other mechanical accessory specific to such  
80 lock or device to prevent unauthorized removal. No pistol or revolver

81 shall be loaded or contain therein any gunpowder or other explosive  
82 or any bullet, ball or shell when such pistol or revolver is sold,  
83 delivered or otherwise transferred.

84 (e) Upon the sale, delivery or other transfer of any pistol or revolver,  
85 the person making the purchase or to whom the same is delivered or  
86 transferred shall sign a receipt for such pistol or revolver which shall  
87 contain the name and address of such person, the date of sale, the  
88 caliber, make, model and manufacturer's number and a general  
89 description of such pistol or revolver, the identification number of  
90 such person's permit to carry pistols or revolvers, issued pursuant to  
91 subsection (b) of section 29-28, as amended, permit to sell at retail  
92 pistols or revolvers, issued pursuant to subsection (a) of said section  
93 29-28, or eligibility certificate for a pistol or revolver, issued pursuant  
94 to section 29-36f, as amended, if any, and the authorization number  
95 designated for the transfer by the Department of Public Safety. The  
96 person, firm or corporation selling such pistol or revolver or making  
97 delivery or transfer thereof shall give one copy of the receipt to the  
98 person making the purchase of such pistol or revolver or to whom the  
99 same is delivered or transferred, shall retain one copy of the receipt for  
100 at least five years, and shall send, by first class mail, or electronically  
101 transmit, within forty-eight hours of such sale, delivery or other  
102 transfer, one copy of the receipt to the Commissioner of Public Safety  
103 and one copy of the receipt to the chief of police or, where there is no  
104 chief of police, the warden of the borough or the first selectman of the  
105 town, as the case may be, of the town in which the transferee resides.

106 (f) The provisions of this section shall not apply to antique pistols or  
107 revolvers. An antique pistol or revolver, for the purposes of this  
108 section, means any pistol or revolver which was manufactured in or  
109 before 1898 and any replica of such pistol or revolver provided such  
110 replica is not designed or redesigned for using rimfire or conventional  
111 centerfire fixed ammunition except rimfire or conventional centerfire  
112 fixed ammunition which is no longer manufactured in the United  
113 States and not readily available in the ordinary channel of commercial  
114 trade.

115 (g) The provisions of this section shall not apply to the sale, delivery  
116 or transfer of pistols or revolvers between (1) a federally-licensed  
117 firearm manufacturer and a federally-licensed firearm dealer, (2) a  
118 federally-licensed firearm importer and a federally-licensed firearm  
119 dealer, or (3) federally-licensed firearm dealers.

120 (h) If the court finds that a violation of this section is not of a serious  
121 nature and that the person charged with such violation (1) will  
122 probably not offend in the future, (2) has not previously been  
123 convicted of a violation of this section, and (3) has not previously had a  
124 prosecution under this section suspended pursuant to this subsection,  
125 it may order suspension of prosecution. The court shall not order  
126 suspension of prosecution unless the accused person has  
127 acknowledged that he understands the consequences of the suspension  
128 of prosecution. Any person for whom prosecution is suspended shall  
129 agree to the tolling of any statute of limitations with respect to such  
130 violation and to a waiver of his right to a speedy trial. Such person  
131 shall appear in court and shall be released to the custody of the Court  
132 Support Services Division for such period, not exceeding two years,  
133 and under such conditions as the court shall order. If the person  
134 refuses to accept, or, having accepted, violates such conditions, the  
135 court shall terminate the suspension of prosecution and the case shall  
136 be brought to trial. If such person satisfactorily completes his period of  
137 probation, he may apply for dismissal of the charges against him and  
138 the court, on finding such satisfactory completion, shall dismiss such  
139 charges. If the person does not apply for dismissal of the charges  
140 against him after satisfactorily completing his period of probation, the  
141 court, upon receipt of a report submitted by the Court Support  
142 Services Division that the person satisfactorily completed his period of  
143 probation, may on its own motion make a finding of such satisfactory  
144 completion and dismiss such charges. Upon dismissal, all records of  
145 such charges shall be erased pursuant to section 54-142a. An order of  
146 the court denying a motion to dismiss the charges against a person  
147 who has completed his period of probation or terminating the  
148 participation of a defendant in such program shall be a final judgment

149 for purposes of appeal.

150 (i) (1) In any prosecution for a violation of subsection (c) of this  
151 section, evidence that a law enforcement agency seized or recovered a  
152 pistol or revolver that was not in the possession of the owner thereof at  
153 the time of such seizure or recovery shall be prima facie evidence that  
154 such owner sold, delivered or transferred such pistol or revolver in  
155 violation of the provisions of this section.

156 (2) In any prosecution for a violation of subsection (c) of this section,  
157 it shall be an affirmative defense that the defendant reported the theft  
158 or loss of the pistol or revolver to the organized local police  
159 department for the town in which the theft or loss occurred or, if such  
160 town does not have an organized local police department, to the state  
161 police troop having jurisdiction for such town prior to the seizure or  
162 recovery of such pistol or revolver by a law enforcement agency.

163 [(i)] (j) Any person who violates any provision of this section shall  
164 be guilty of a class D felony, except that any person who sells, delivers  
165 or otherwise transfers a pistol or revolver in violation of the provisions  
166 of this section, knowing that such pistol or revolver is stolen or that the  
167 manufacturer's number or other mark of identification on such pistol  
168 or revolver has been altered, removed or obliterated, shall be guilty of  
169 a class B felony, and any pistol or revolver found in the possession of  
170 any person in violation of any provision of this section shall be  
171 forfeited.

172 Sec. 504. Section 53-202g of the general statutes is repealed. (*Effective*  
173 *October 1, 2006*)"